

**Statement by the United States at the Meeting of the WTO Dispute Settlement Body**

**Geneva, January 8, 2020**

1. MOROCCO – ANTI-DUMPING MEASURES ON CERTAIN HOT-ROLLED STEEL FROM TURKEY
  - A. REPORT OF THE APPELLATE BODY (WT/DS513/AB/R AND WT/DS513/AB/R/ADD.1) AND REPORT OF THE PANEL (WT/DS513/R AND WT/DS513/R/ADD.1)
- The United States wishes to raise an important systemic concern: that is, the failure of the Appellate Body to follow the mandatory 90-day deadline in Article 17.5 of the DSU.
- Morocco formally notified the DSB of its intention to appeal on November 20, 2018, pursuant to DSU Article 16.4. Over one year later, on December 4, 2019, Morocco informed the Appellate Body of its decision to withdraw its appeal. The Appellate Body circulated a report on December 10, 2019, noting Morocco’s withdrawal of its appeal.
- As this document was not issued consistent with the requirements of Article 17 of the DSU, that is, within 90 days of Morocco’s notification to the DSB of its intention to appeal, it is not an “Appellate Body report” under Article 17, and therefore it is not subject to the adoption procedures reflected in Article 17.14.
- We note that the document sets out, at paragraphs 1.18-1.19, certain comments relating to the procedures for adoption of panel and Appellate Body reports. Those comments are erroneous as they do not address whether the document was issued consistent with DSU Article 17. In addition, the procedures for adoption of any report are not part of the appeal that Morocco had filed. Therefore, those comments are simply an advisory opinion issued by the Division.
- As the United States has been repeatedly explaining, and as many WTO Members increasingly recognize, the DSU does not assign the mandate or authority to WTO adjudicators to render advisory opinions.
- For this item, we do not understand either party to oppose adoption of the reports, nor has any other WTO Member raised an objection. As set out explicitly in DSU Article 3.7, the “aim of the dispute settlement mechanism is to secure a positive solution to a dispute”.
- As Morocco has withdrawn its appeal and Turkey has requested adoption of the panel and appellate reports, we understand that the parties consider that adoption of these reports would assist them in finding a positive solution to their dispute.
- The United States would seek to support the parties’ interests in finding a solution. Therefore, we would expect there to be a consensus to adopt the reports before the DSB today.